REMARKS

Claims 1, 3, 7-9, 11-12, 19-23, and 30-39 are amended. Claim 40 is added. No new matter is added. Claims 1-9, 11-13, and 15-40 are pending. Claims 1, 12, 23, and 34 are independent. Applicants request reconsideration of the pending claims in view of the amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 103

Claims 1-9, 11-13, 15-33, and 35-40

The Office Action rejected claims 1-9, 11-13, and 15-39 under 35 U.S.C. § 103(a) as being allegedly unpatentable over a 2001 archival copy of a page in the official website of D-Cubed. Lt. ("D-Cubed"), in view of a January 2002 manual for the 2D Dimensional Constraint Manager by D-Cubed, Ltd. ("2D DCM Manual"), and further in view of Wakelam et al. (U.S. Patent No. 6859768). Applicants respectfully submit that amended claim 1 is patentable over this proposed combination of references. Even if there was reason that would have prompted a skilled artisan to combine D-Cubed with the 2D DCM Manual and Wakelam (an issue that is not conceded herein), the proposed combination would nevertheless fail to provide the subject matter described in amended independent claim 1.

Unlike claim 1, the 2D DCM Manual fails to disclose "determining that including the plurality of features within the modified boundary violates the minimum boundary-to-feature distance, and in response to the determining, _removing features from the pattern so that the remaining features included within the modified boundary satisfy the minimum boundary-to-feature distance._" The 2D DCM manual describes a dragging operation that permits a user to "move sections of the design relative to the rest of it," (2D DCM at page 28) but does not describe a removal of features from a pattern when a modified boundary violates a minimum boundary-to-feature distance. Indeed, even if the 2D DCM system was used to create a hypothetical design with a pattern included within a boundary (which the Applicants do not concede is taught or rendered obvious by the 2D DCM manual), a dragging operation on the hypothetical design's boundary that

violated a minimum boundary-to-feature distance would result in the design being *"overconstrained."* (2D DCM Manual at page 14.) Specifically, the hypothetical design would include "conflicting[] dimensions and logical constraints." (*Id.*) In contrast, the 2D DCM Manual states that a dragging operation can "only have an effect on a design that is partly *underconstrained.*" (2D DCM Manual at page 27.)

Thus, not only does the 2D DCM Manual fail to suggest the claimed method, but the 2D DCM Manual teaches away from methods that automatically remove features from the pattern upon modification to a boundary. MPEP § 2141.02(VI); *see also KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1740 (2007) (explaining that a conclusion of nonobviousness is proper "when the prior art teaches away" from a claimed combination). The D-Cubed reference describes features of the same product and fails to suggest the recited subject matter for at least the same reasons. The Wakelam reference describes a building design, modeling, and construction project cost estimating and scheduling system that also fails to teach the recited claim language.

Furthermore, Applicants note that the Office Action (at page 6) concedes that the D-Cubed reference and the 2D DCM Manual fail to teach numerous limitations, including:

> "receiving a user-specified input defining a feature for a pattern . . . , the pattern defined from the feature and comprising a plurality of the feature, the features of the plurality being evenly spaced relative to each other, the features of the plurality included within a boundary of a CAD geometry piece, and where a feature corresponds to a feature of the CAD geometry piece."

The Office Action relies upon twenty-five figures from Wakelam as allegedly teaching the above recited claim language, without any explanation or elaboration of how the relied upon figures teach or suggest the recited claim language. This is insufficient. A claim rejection violates 35 U.S.C. § 132 if it "is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection." *Chester v. Miller*, 906 F.2d 1574, 1578 (Fed. Cir. 1990). The Applicants respectfully request that the next Office Action, if it rejects the claims based upon the Wakelam reference, specify how the reference teaches the above recited claim language.

Claims 2-9, 11-13, 15-33, and 35-40 are patentable for at least the same reasons given in connection with claim 1.

Claim 34

The subject matter of dependent claim 34 has been rewritten in independent form, incorporating the subject matter of independent claim 1. Independent claim 34 retains its original scope because the proposed ground for rejection was improper. The Office Action (at pages 9-10) rejected dependent claim 34 under 35 U.S.C. § 103(a) as being allegedly unpatentable over D-Cubed, in view of the 2D DCM Manual, and Wakelam. Applicants respectfully submit that D-cubed, the 2D DCM Manual, in combination with Wakelam fail to disclose each and every element of independent claim 34.

Unlike claim 34, the 2D DCM Manual fails to teach or suggest *"wherein said automatically modifying at least one of the pattern or the plurality of features includes removing one or more features from the pattern."* The Office Action (at pages 9-10) relies upon Sections 2.51 to 2.5.6.6 of the 2D DCM Manual as allegedly teaching the recited claim language. As discussed above, these portions of the 2D DCM Manual describe dragging objects but do not teach "removing one or more features from the pattern" in response to a modification of a pattern boundary. Section 2.5.3.1 ("Model Partitioning") of the 2D DCM Manual describes deletion of a node, but only when a dimension is added to connect two separate sub-assemblies of geometries into a combined geometry; not in response to a modification of a pattern boundary.

Subsequent Office Action Cannot be Made "Final"

The Applicants would like to remind the Examiner that under MPEP § 706.07(a), the next Office Action cannot be "final" if the Examiner presents a new ground for rejection of claim 34, which was not amended in a way that changed the scope. The Applicants should be provided due process to address any new rejections offered by the Examiner.

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Conclusions

Applicants submit that claims 1-9, 11-13, and 15-40 are in condition for allowance, and request that the Examiner issue a notice of allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:May 18, 2009_____

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